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Letter dated 25 May 2001 from the Chargé d'affaires a.i. of the Permanent Mission of Uganda to the United Nations addressed to the President of the Security Council

On instructions of my Government, I wish to refer to the report of the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of the Congo (see S/2001/357 of 12 April 2001).

As Amama Mbabazi, Minister of State for Foreign Affairs (Regional Cooperation), stated in the Security Council debate on 3 May 2001, the Government of Uganda takes the allegations in the report seriously and welcomes the opportunity to bring these matters to rest.

The Government has now appointed and constituted an Independent Judiciary Commission of Inquiry to investigate, in an open and transparent manner, these allegations and report to the Government for appropriate action.

The Judiciary Commission is expected to hand in its report three months after commencement of work and its terms of reference are contained in the attached legal notice signed by the Minister of Foreign Affairs (see annex).

I should be grateful if you would bring the present letter and its annex to the attention of the members of the Security Council and circulate them as a document of the Council.

(*Signed*) Fred **Beyendeza**
Chargé d'affaires a.i.

01-38746 (E) 300501

Annex to the letter dated 25 May 2001 from the Chargé d'affaires a.i. of the Permanent Mission of Uganda to the United Nations addressed to the President of the Security Council

Legal Notice No. ..... of 2001

THE COMMISSIONS OF INQUIRY ACT, (CAP.56)

The Commission of Inquiry (Allegations into Illegal Exploitation of Natural Resources and Other Forms of Wealth in the Democratic Republic of Congo, 2001.

(Under Section 2 of the Commissions of Inquiry Act, Cap.56)

WHEREAS on the 16th April 2001 a United Nations Panel on the Illegal Exploitation of Natural Resources and Other Forms of Wealth in the Democratic Republic of Congo submitted its Report to the Secretary General of the United Nations.

AND WHEREAS the said Report contained allegations that the Government of the Republic of Uganda among others was involved in the illegal exploitation of natural resources and other forms of wealth in the Democratic Republic of Congo.

THE REPUBLIC OF UGANDA

AND WHEREAS the Security Council of the United Nations on 2nd May 2001 urged the Governments concerned to conduct their own inquiries as to the allegations in the said report.

NOW THEREFORE in exercise of the powers conferred on the Minister by Section 2 of the Commissions of Inquiry Act, this Notice is issued this 23rd day of May, 2001.

1. Title

This Notice may be cited as the Commission of Inquiry (Allegations into the Illegal Exploitation of Natural Resources and Other Forms of Wealth in the Democratic Republic of Congo) Notice, 2001.

2 Establishment of Commission of Inquiry.

There is established a Commission of Inquiry into the matters set out in paragraph 4 of this Notice.

3 Members

(1) The Commission shall consist of the following persons:-

a) Hon. Justice David Porter : Chairman

b) Hon. Justice P.J. Berko : Member

THE REPUBLIC OF UGANDA

(c) Mr. John Rwambuya - retired
Senior UN Official : Member

(2) Mr. Bisereko Kyomuhendo, Principal State Attorney Shall be the Secretary to the Commission.

(3) Mr. Allan Shonubi Shall be the Lead Counsel to the Commission.

(4) The Commission Shall, at any time be deemed to be fully constituted if any two of the members are present including the Chairperson.

4. Terms of Reference.

The terms of reference of the Commission shall be the following:-

(a) to inquire into the allegations of illegal exploitation of natural resources and other forms of wealth of the Democratic Republic of Congo, to wit minerals, coffee, timber, livestock, wildlife, ivory, moneys or other property from the Democratic Republic of Congo contained in the said report;

THE REPUBLIC OF UGANDA

(b) to inquire into the allegations of mass scale looting and systematic exploitation of natural resources and other forms of wealth from the Democratic Republic of Congo by the Government of Uganda made in the said report;

(c) to inquire into allegations of complicity or involvement by His Excellency the President and his family in the alleged illegal exploitation made in the said report;

(d) to inquire into allegations of involvement in the illegal exploitation of the natural resources of the Democratic Republic of Congo by top ranking UPDF officers and other Ugandan individuals named in the said report.

5. Report of findings and recommendations.

(1) The Commission shall submit a report of its findings and recommendations under paragraph 4 to the Minister responsible for Foreign Affairs within three months after commencing its duties.

THE REPUBLIC OF UGANDA

(2) The Commission may, at any time before the completion of its final report, submit to the Minister an interim report on any matter within its terms of reference.

(*Signed*) Alfred K. **Mubanda**
Minister of State for Foreign Affairs holding portfolio of Minister of Foreign Affairs